

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Applicants' Summary of Interview

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephone interview on December 3, 2007. In the telephone interview, draft amendments were discussed in light of the § 101, § 102, and § 103 rejections. The Examiner indicated that the draft amendments overcame the § 101 rejection, but not the § 102 or § 103 rejections.

Final Rejection

If the § 101 rejection is maintained, Applicants will respectfully traverse the final rejection. According to M.P.E.P § 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Applicants respectfully submit that the § 101 rejection introduced by the Examiner was not necessitated by Applicant's amendment of the claims or based on information submitted in an information disclosure statement. Accordingly, if the § 101 rejection is maintained, the final rejection of the first Office Action is not proper according M.P.E.P § 706.07(a).

Allowed Claim

Applicants appreciate the Examiner's allowance of Claim 20.

Rejections Under Section 101

The Examiner rejects Claims 13-15, 17-18, and 23 under 35 U.S.C. § 101. As discussed above, the Examiner indicated that the draft amendments overcome the § 101 rejection.

Rejections Under Sections 102 and 103

The Examiner rejects Claims 1-3, 7-9, 13-15, and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,327,276 to Robert et al. ("*Robert*"). The Examiner rejects Claims 6, 12, and 18 under U.S.C. § 103(a) as being unpatentable over *Robert* in view of U.S. Patent Application Pub. No. 2003/0002481 filed by Laursen et al. ("*Laursen*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Applicants respectfully submit that the combination of *Robert* and *Laursen* proposed by the Examiner fails to disclose, or even teach or suggest, the elements specifically recited in Applicants' claims. For example, the *Robert-Laursen* combination proposed by the Examiner fails to disclose, teach, or suggest the following elements recited in independent Claim 1:

- determining, at the local endpoint, a plurality of metric ratings by:
 - generating a metric vector for each signal of the plurality of signals, each metric vector comprising a plurality of metric values generated for the each signal, the plurality of metric values comprising a first metric value and a second metric value; and
 - applying a function to each metric vector to generate a metric rating for each signal, the function weighting the first metric value more than the second metric value because the first metric value has a greater effect on signal importance than the second metric.

Neither *Robert* nor *Laursen* disclose, teach, or suggest "applying a function to each metric vector to generate a metric rating for each signal, the function weighting the first metric value more than the second metric value because the first metric value has a greater effect on signal importance than the second metric."

Consequently, at a minimum, the *Robert-Laursen* combination fails to disclose, teach, or suggest the limitations of independent Claim 1. For at least this reason, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. §§ 102 and 103. For analogous reasons, independent Claims 7, 13, and 19, and their dependent claims are

allowable under 35 U.S.C. §§ 102 and 103. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-3, 5-9, 11-15, 17-19, and 21-23.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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